IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE V.K.MOHANAN

WEDNESDAY, THE 28TH NOVEMBER 2007 / 7TH AGRAHAYANA 1929

WP(Crl.).No. 264 of 2007(S)

PETITIONER:

THANKAPPAN NAIR, AGED 78 YEARS,
S/O.GOVINDAPILLAI, VAYALAMADATHU VEEDU,
CHERANALLOOR, ERNAKULAM.

BY ADV. SRI.P.A.MOHAMMED SHAH
SRI.P.H.SHAJAHAN
SRI.B.KISHORE

RESPONDENTS:
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1. N.GOPINATHAN NAIR, S/O.BHARATHIYAMMA,
GOKULAM VEEDU, FORT ROAD, PARAVOOR.

2. KAMALANATHAN NAIR, S/O.NEELAKANDAPILLAI,
KONATTU(KAMALALAYAM) VEEDU, VADAKKEKUNNUMPURAM,
EDAPPALLY, ERNAKULAM.

3. SAROJINIYAMMA, D/O.GOWRIYAMMA,
VAYALUMADATHIL (QUILON HOUSE), KIZHAKKEPRAM KARA,
KOTTUVALLY VILLAGE, NEAR KESARI COLLEGE,
PARAVOOR.

4. SUB INSPECTOR OF POLICE,
NORTH PARAVOOR, ERNAKULAM.

BY ADV. SRI.VARGHESE PREM
SRI.P.DEEPAK
R4 BY GOVT.PLADER SRI C.M.KAMMAPPU

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 28/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXT:

EXT.P1 TRUE COPY OF THE DOCUMENT EXECUTED BY THE RESPONDENTS DATED 26/10/2007.

P.R.RAMAN & V.K.MOHANAN, JJ.

W.P.(Crl)NO.264 OF 2007

Dated this the 28th day of November, 2007

JUDGMENT

Raman, J.

The allegation made in this writ petition is that the petitioner's sister Smt. Kamalakshiyamma, aged 94 years, is residing at her ancestral house at Paravoor along with the 3rd respondent and the petitioner apprehended that Kamalakshiyamma is not a free person and that she is under the illegal custody of respondents 1 to 3. Respondent No.1 is the son of Bharathiyamma, who is the sister of the alleged detenue and the 3rd respondent. The 2nd respondent is the son of Neelakandapillai, a distant relative of the petitioner. In view of the allegation made, this Court thought fit to depute an Advocate Commissioner to inspect the premises and after interacting with the alleged detenue to file a detailed report. A report has been filed by the Advocate Commissioner. We have gone through the said report and found that the alleged detenue is not under the illegal custody of respondents 1 to 3 as alleged in the writ petition. We also understand

that there are some civil disputes between the parties in a civil court.

In the circumstances, this writ petition is closed.

P.R.RAMAN,
Judge.

V.K.MOHANAN,
Judge.

kcv.